

Abstract

THE ISSUE OF THE CONCEPT OF CRIMINAL CUSTODY

This diploma thesis deals with a criminal custody. This is an important part of a criminal process where there is a restriction of personal freedom based on a need to ensure people for acts of a prosecution. It is a complex issue which requires proper and sensitive legislation and as well as appropriate use in a practice.

First part of this diploma thesis focuses on the term of custody. It explains the definition and an essential features. In the subchapters, principles which drive custody are specified. Differences between custody and judgment are explained.

Second part of the diploma thesis concerns about question of personal freedom and custody in connection with international and constitutional law. First subchapter deals with the Charter of Fundamental Rights and Basic Freedoms which sets basic conditions for limitation of personal freedom and for detention. Next subchapter compares two important international documents: European Convention of Human Rights and International Covenant on Civil and Political Rights. These two documents have a big influence on enactment of custody in Czech Republic.

Third part contents substantive enactment of custody. The conditions for arrest are presented. Farther the reasons for custody and also strengthened reasons for custody are described in detail. Discrete provisions, which can replace the custody, are cited and elaborated.

Fourth part addresses the aspects of legal law for custody, especially questions who is responsible to adjudicate about custody, how long the custody can last, which possibilities of revisions are and last but not least an issue of newly loaded custody session is adumbrated.

In the fifth part special cases of custody are mentioned – custody of adolescents, temporary custody, extradition custody and custody of expel.

Enactment of custody in France is described in the sixth part for comparison.

Last seventh part contains summary and consideration de lege ferenda. There is an effort to hit the most important moments, which amendment of custodial administration has brought, and also a think about possible problems. Attempt of outline of their solution in future enactment follows.

Diploma thesis presents complex view of the issue of custody and custodial administration with focus on the changes made by novelization.